

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

AUG 20 2010

LAWRENCE K. BAERMAN, CLERK
ALBANY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Criminal Action No. 1:10-CR-202

v.

(Hon. David R. Homer)

ROBERT PALMA,

STIPULATION AND ORDER
FOR ENLARGEMENT OF TIME

Defendant.

STIPULATION

It is hereby stipulated and agreed, by and between the defendant, ROBERT PALMA (by Paul DerOhannesian, II, Esq.), and Richard S. Hartunian, United States Attorney for the Northern District of New York (by Nathaniel J. Dorfman, Assistant United States Attorney), that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including 30 days from the date of the signing of this Order and that time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(8)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

1. The chronology of this case is as follows:

- a. Date of complaint: April 16, 2010
- b. Date of initial appearance: April 29, 2010
- c. Defendant custody status: The Defendant is on pretrial release.
- d. Prior enlargements of time and exclusions under the Speedy Trial Act:

The Court ordered a 60 day exclusion under the Speedy Trial Act on May 24,

2010. The Court ordered a 30 day exclusion under the Speedy Trial Act on July 21, 2010.

2. The United States has requested the continuance based on the following facts and circumstances:

a. Additional time is needed to evaluate the computer evidence, to negotiate a pre-indictment plea disposition, and to schedule a waive of indictment/plea hearing within the next several weeks.

3. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial because, in light of the need to evaluate the computer evidence and negotiate a potential pre-indictment disposition, it is unreasonable to expect the return and filing of an indictment within the period specified in section 3161(b), taking into account the exercise of due diligence. (3161(h)(7)(B)(iii)).

4. The parties stipulate and agree that 30 days be excluded from the calculation of Speedy Trial time in this matter, and that, pursuant to 18 U.S.C. § 3161(h)(7), the interest of justice in granting such exclusion outweighs the interest of the public and of the defendant in a speedy trial.

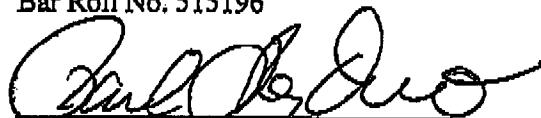
The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: August 19, 2010

RICHARD S. HARTUNIAN
United States Attorney



By: NATHANIEL J. DORFMAN
Assistant U.S. Attorney
Bar Roll No. 515196



PAUL DEROHANNESIAN, II, ESQ.
Attorney for ROBERT PALMA
Bar Roll No. 104792

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial because additional time is needed to review the computer evidence and to expect return and filing of an indictment within the period specified in section 3161(b), taking into account the exercise of due diligence. (3161(h)(7)(B)(iii)).

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS
IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including 30 days

from the date of the signing of this Order and that time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial for the reasons stipulated above.

Dated: Aug. 20, 2010

David R. Homer
Hon. David R. Homer
United States Magistrate Judge